

**Introduced by Senator Nielsen
(Coauthor: Senator Hill)**

(Coauthors: Assembly Members Achadjian, Chu, Cooper, Dahle,
Gallagher, and Patterson)

August 9, 2016

Senate Joint Resolution No. 27—Relative to the Central Valley
Project Improvement Act.

LEGISLATIVE COUNSEL'S DIGEST

SJR 27, as introduced, Nielsen. Central Valley Project Improvement
Act.

This measure would urge the United States Congress to require the
development of a proper conceptual foundation and framework for the
Central Valley Project Improvement Act (CVPIA), to require a full
accounting of all CVPIA expenditures, and to require a full audit of the
CVPIA Restoration Fund.

Fiscal committee: no.

1 WHEREAS, The federal Central Valley Project, first authorized
2 by Congress in 1935 and reauthorized in 1937, is one of the world's
3 largest water storage and conveyance systems with approximately
4 20 dams and reservoirs and 500 miles of major canals and
5 aqueducts; and
6 WHEREAS, The federal Central Valley Project, managed by
7 the United States Bureau of Reclamation of the United States
8 Department of the Interior conveys about 20 percent of the state's
9 developed water from the Sacramento, Trinity, American,
10 Stanislaus, and San Joaquin rivers to agricultural and municipal

1 water users and wildlife refuges in the Sacramento and San Joaquin
2 valleys and the San Francisco Bay area; and

3 WHEREAS, In 1992, the United States Congress enacted the
4 Central Valley Project Improvement Act (CVPIA) to address the
5 specific environmental impacts of the federal Central Valley
6 Project, and the CVPIA identified 34 environmental goals and
7 projects and established the CVPIA Restoration Fund to provide
8 the main source of financial support for the completion of these
9 objectives; and

10 WHEREAS, The CVPIA requires water and power users,
11 including ratepayers from various publicly owned utilities in the
12 state, to pay into the CVPIA Restoration Fund, and the United
13 States Bureau of Reclamation and United States Fish and Wildlife
14 Service are the colead project managers of the CVPIA program;
15 and

16 WHEREAS, Beginning in 2007, as a part of the federal Office
17 of Management and Budget's Program Assessment Rating Tool
18 process, the CVPIA program conducted two independent reviews
19 to evaluate efficiency and effectiveness toward meeting the
20 CVPIA's environmental goals, and both reviews expressed serious
21 concern with the interpretation and implementation of the CVPIA;
22 and

23 WHEREAS, The first independent review published in 2008
24 explained that, despite more than a decade and a half of
25 implementation and over one billion dollars in expenditures, "the
26 agencies have not developed a proper conceptual foundation and
27 framework for the program;" and

28 WHEREAS, The second independent review published in 2009
29 concluded that the "[i]mplementing agencies have been negligent
30 in interpreting and implementing the co-equal environmental
31 mandates of the [CVPIA] through uneven application of its
32 authorized administrative powers"; and

33 WHEREAS, In 2016, over \$1.5 billion has been spent on the
34 CVPIA, however, many of the same problems identified by the
35 independent reviews continue; and

36 WHEREAS, Among other things, the United States Bureau of
37 Reclamation has not adequately set programmatic milestones and
38 benchmarks for the CVPIA, as well as ensure transparency and
39 accountability; and

1 WHEREAS, The collection and allocation of moneys related
2 to the CVPIA Restoration Fund has also suffered from insufficient
3 oversight regarding budget decisions and disregard for the
4 parameters governing payment into the fund; now, therefore, be
5 it

6 *Resolved by the Senate and the Assembly of the State of*
7 *California, jointly,* That the Legislature urges the United States
8 Congress to require the development of a proper conceptual
9 foundation and framework for the CVPIA, with clear guidelines
10 for when each of the outstanding environmental objectives can be
11 deemed complete, and milestones to gauge progress; and be it
12 further

13 *Resolved,* That the Legislature urges Congress to require a full
14 accounting of all CVPIA expenditures by programmatic goal and
15 statutorily designated project, as well as complete transparency in
16 the United States Bureau of Reclamation's planning,
17 implementation, and funding of the CVPIA; and be it further

18 *Resolved,* That the Legislature urges Congress to require a full
19 audit of the CVPIA Restoration Fund to ensure it is collecting
20 payment consistent with its enabling statute and being managed
21 efficiently and effectively; and be it further

22 *Resolved,* That the Secretary of the Senate transmit copies of
23 this resolution to the President and Vice President of the United
24 States, to the Speaker of the House of Representatives, to the
25 Majority Leader of the United States Senate, and to each Senator
26 and Representative from California in the Congress of the United
27 States.